

MINUTES

KEY WEST BIGHT MANAGEMENT DISTRICT BOARD MEETING

OLD CITY HALL, 510 GREENE STREET

MARCH 14, 2012

A regular meeting of the Key West Bight Management District Board of the City of Key West, Florida, was held in Commission Chambers, Old City Hall, 510 Greene Street, on Wednesday, March 14, 2012.

The Chairman called the meeting to order at 9:00 a.m.

Answering roll call were Board Members Jermy Ashby, Paul McGrail, Kathryn Ovide, Dan Probert, Michael Wilson and Chairman Michael Knowles presiding.

Board Member Jimmy Lane was absent.

Also present were Chief Assistant City Attorney Larry Erskine, Key West Bight Marine Manager Mark Tait, Port Operations Manager John Castro, Senior Property Manager Marilyn Wilbarger and Clerk of the Board Sue Harrison.

Others in attendance were Jack Anderson from the Tenants Association.

The pledge of allegiance to the flag of the United States of America was given by all present.

CHANGES TO THE AGENDA:

It was moved by Ms. Ovide and seconded by Mr. Probert to approve the agenda. The Chairman asked for objections and seeing none, the agenda was accepted.

APPROVAL OF MINUTES:

1) February 15, 2012 (Regular)

It was moved by Ms. Ovide and seconded by Mr. Wilson to approve the minutes of February

15, 2012. The Chairman asked for objections and seeing none, the minutes were approved.

ITEMS FOR ACTION:

2) Rental Increases and Late Fees

Board Member McGrail recused himself from this item and stepped down from the dais.

Chairman Knowles thought the problem was with the long-term renters and the escalation of rents compared to revenues. He was not sure what procedure should be taken.

The following people spoke on the matter.

Jack Anderson, 800 Caroline Street
Scott Cates, 201 William Street
Commissioner Jimmy Weekley

After discussion from the Board the item was considered for approval in two parts; first the rental increases and then the late fees.

It was moved by Ms. Ovide and seconded by Mr. Probert to approve the rent increases to reflect a 3% increase on the base rent for the current year and moving forward to amend all leases to a minimum increase of 0% or the annual CPI.

The Chairman requested the Clerk call the roll.

Yeas: Board Members Ashby, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

Recused: Board Member McGrail

It was moved by Ms. Ovide and seconded by Mr. Ashby that the late fees charges remain unchanged.

The Chairman requested the Clerk call the roll.

Yeas: Board Members Ashby, Ovide and Chairman Knowles

Nays: Board Members Probert and Wilson

Recused: Board Member McGrail

3) Lease Renewal for Renata Lavenir dba Conch Electric Cars

Ms. Wilbarger introduced the item for approval as a five year lease renewal for Ms. Lavenir doing business as Conch Electric Cars at the Key West Bight Ferry Terminal. The tenant has had no code violations in the last year and has asked for the five year lease renewal.

It was moved by Ms. Ovide and seconded by Mr. McGrail to approve the item as presented.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

4) HARC Archway Sign Application

Ms. Wilbarger introduced the item for the Archway Sign at Thompson Fish House. The Dry Tortugas and Fort Jefferson Interpretive Center would be located there. This signage would be similar to the Western Union Archway at the foot of William Street. The application would go before HARC at the end of the month for approval.

It was moved by Ms. Ovide and seconded by Mr. Probert to approve the archway signage with the removal of the word "ferry" from the sign banner.

The Chairman requested the Clerk call the roll.

Yeas: Board Members Ms. Ovide and Mr. Probert

Nays: Board Members Ashby, McGrail, Wilson and Chairman Knowles

Mr. McGrail asked if it would be possible for the requested signage to be closer to their business where the space could be rented to them. Ms. Wilbarger stated the location could be moved

and the sign would be at their cost. Also, she stated this tenant has a right to hold events there under their lease.

DISCUSSION ITEMS:

5) Bicycle Rental

Mr. Probert commented that when he was at the Boat Show at the Miami Beach Convention Center he took a picture of the bicycle dispenser rack that was shown in the agenda package. He thought this could be a possible business at the ferry terminal.

Ms. Ovide stated that this bicycle business was run by the City in Miami Beach.

Ms. Wilbarger said they could offer an RFP for someone to put this type of business at the ferry terminal.

REPORTS:

6) Manager's Report

There were no questions under this report.

7) Accounts Receivable Report

Ms. Wilbarger reported the receivables were in good shape and B.O.'s has submitted a payment the previous day.

8) Tenants' Association Report

Mr. Anderson provided what he remembered to be the origin of the rent structure when the Bight Board was created. The Board had determined 6% of the gross would guarantee market rent from that time forward. Some of the 20 year lease restaurants had 5%. He said the escalation of rents now was way beyond the CPI.

Mr. Anderson commented on the late fees. Chairman Knowles confirmed that late fees in the past have been considered and waived by this Board on an individual basis.

Mr. Anderson reported that the Tenants Association Annual Meeting and Elections was coming up later that month.

9) Old Business

Comparables KW Bight September 14, 2011
Finigan Email September 14, 2011
KW Parking Lot Report October 12, 2011

Mr. McGrail commented that feedback he has received has been positive regarding the new lights that were installed.

PUBLIC COMMENTS:

There were no comments from the public.

BOARD COMMENTS

Mr. Wilson commented about the parking lot and asked if there was a possibility to validate parking by the stores at the Bight. Ms. Wilbarger stated they had looked into ways to provide reduced rate parking. She said they could not validate parking because there was no ticket taker and the parking was all pre-paid. She would report back if there were any new developments in equipment that could provide the first hour of parking at a reduced rate.

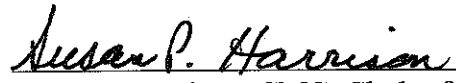
Mr. Ashby commented about signage. He asked about improved signage at the ferry terminal directing passengers toward the Bight. Ms. Wilbarger stated there was a video that plays on the ferry that directs people to the Bight and shows them where to go when they leave the ferry.

Mr. Ashby commented about the rental increases. He felt they had tried to address the concerns of the tenants. He said this is a specific problem and felt there is something they could do

further to address the concerns of those who have suffered the most over the years. He volunteered to work with the legal staff to see what they could come up with to resolve this issue.

ADJOURNMENT:

There being no further business the Chairman adjourned the meeting at 10:34 a.m.



Susan P. Harrison, CMC, Clerk of the Board
Senior Deputy City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>McGrail, Paul</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Key West Bight Management District Board</u>	
MAILING ADDRESS <u>328 Simonton Street</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <u>Key West</u>	COUNTY <u>Monroe</u>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <u>March 14, 2012</u>		NAME OF POLITICAL SUBDIVISION: <u>City Of Key West</u>	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Paul McGrail, hereby disclose that on March 14, 2012:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Action Item #2: Rental Increases and Late Fees

Date Filed

3/14/12

March 14, 2012

Signature

Paul McGrail

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.